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OFFICE OF PETITIONS

In re Application of
Banerjee, et al.
Application No.: 10/032,657
Filed: December 28, 2001
Attorney Docket No. 42970-7CI1

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: ON PETITION
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This is in response to the petition under 37 CFR 1.137(b) filed June 13, 2006.

The petition under 37 CFR 1.137(b) is **granted**.

A "Notice to File Missing Parts of Nonprovisional Application" (the "Notice") was mailed by the Office on January 29, 2002, allowing a shortened period of reply of two-months from its mailing date. Extensions of time set for reply were available pursuant to 37 CFR 1.136(a). The Notice required an oath or declaration to be filed and \$65.00 surcharge for the late filing of the same and substitute drawings. A complete response was not received within the allowable period, and the application became abandoned on March 30, 2002. A Notice of Abandonment was mailed on March 9, 2006.

The above-identified application has been abandoned for an extended period of time. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting the statement that the entire delay in filing the required reply form the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178; 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109) (applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the Patent and Trademark Office.

The substitute drawings filed June 13, 2006, are noted and made of record.

This application is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3222.

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Petitions Attorney
Office of Petitions